

### **REMARKS**

This is a full and timely response to the non-final Office Action mailed September 05, 2003 (Paper No. 5). The present amendment incorporates the limitations of claims 2, 17 and 18 into independent claim 1, incorporates the limitations of claims 10 and 12 into independent claim 3, amends claim 15 so as to be dependent on independent claim 3, cancels claims 2, 10, 11 and 12, and further requests reconsideration of certain findings of fact in connection with the rejection of the claims. Support for these amendments can be found in original claims 2, 10, 12 15, 17 and 18. No new matter has been added. In addition, attached hereto are new drawings labeled as "Replacement Sheets" and prepared in accordance with the examiner's request. Reexamination and reconsideration in light of the present amendment and the following remarks are respectfully requested.

#### **Specification:**

In accordance with the examiner's request, the specification has been reviewed and a number of minor grammatical changes have been made to prepare this application for final printing, as set forth in the substitute specification enclosed herein. None of these changes are believed to constitute new matter. Accordingly, withdrawal of this objection is courteously solicited.

#### **Drawings:**

In accordance with the examiner's request, proposed drawing corrections are submitted herewith in Appendix I and labeled as "Replacement Sheets." Specifically, Figs. 29A, 29B and 30 have been correctly designated as "PRIOR ART." Entry of these drawings and withdrawal of the objection thereto is therefore respectfully requested.

#### **Claim Rejections- 35 U.S.C. § 112**

In the action, claims 1 to 23 were rejected under 35 U.S.C. § 112, second paragraph, for allegedly failing to particularly point out and distinctly claim the subject matter which is regarded as the invention. The Applicant thanks the examiner for a thorough reading of the claims, and has

accordingly amended the claims to avoid the offending language. Withdrawal of this rejection and allowance of the claims is therefore courteously solicited.

Allowable Subject Matter

The Applicant thanks the examiner for the acceptance of claim 23 as containing allowable subject matter. In accordance with the examiner's request, claim 23 has been amended to overcome the various rejections alleged under 35 U.S.C. § 112. Accordingly, withdrawal of this rejection and allowance of this claim is respectfully requested.

Claim Rejections- 35 U.S.C. §§ 102, 103

In the action, claims 1 to 22 were rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by, or in the alternative, as allegedly being obvious over U.S. Patent No. 5,605,227 to Morita ("Morita '227"), U.S. Patent No. 6,009,999 to Morita et al. ("Morita '999"), U.S. Patent No. 5,499,714 to Konno ("Konno"), U.S. Patent No. 5,690,224 to Koizumi ("Koizumi"), U.S. Patent No. 5,232,093 to Hashizume et al. ("Hashizume") and U.S. Patent No. 5,154,287 to Morita et al. ("Morita '287"). This rejection is respectfully traversed in light of the present amendment.

Independent claims 1 and 17 of the present invention recite a tape cassette storing case for storing a tape cassette wherein, *inter alia*, a junction member comprises an externally projected substantially arc-form curved surface portion disposed between a pair of hinging means, the surface portion being elastically deformable, and a pair of identical substantially arc-form ribs formed on an internal surface of each longitudinal-directional end thereof.

Morita '227 arguably teaches of a case 21 for a recording medium in which a connection member J for constituting one of the lateral walls of a lid body B is in linkage with a cubic body C and the lid body B via hinges 8 (See Fig. 8). However, Morita '227 fails to disclose, teach or suggest a junction member which comprises an externally projected substantially arc-form curved surface portion disposed between a pair of hinging means, the surface portion being elastically deformable, and a pair of identical substantially arc-form ribs formed on an internal surface of each longitudinal-directional end thereof, as is recited in claims 1 and 17 of the present invention.

Morita '999 arguably teaches of a magnetic tape cassette storage case 1 in which a hinge part 7 for constituting one of the lateral walls of a lid body 5 is in linkage with a cubic body 3 and the lid body 5 via thin groove hinge portions 33a and 33b (See Fig. 4). However, Morita '999 fails to disclose, teach or suggest a junction member which comprises an externally projected substantially arc-form curved surface portion disposed between a pair of hinging means, the surface portion being elastically deformable, and a pair of identical substantially arc-form ribs formed on an internal surface of each longitudinal-directional end thereof, as is recited in claims 1 and 17 of the present invention.

Konno arguably teaches of a tape cassette container casing 30 in which a lateral surface section 34 for constituting one of the lateral walls of a lid 36 is in linkage with a casing main member 31 and the lid 36 via flexible hinges 33 and 35 (See Fig. 1). However, Konno fails to disclose, teach or suggest a junction member which comprises an externally projected substantially arc-form curved surface portion disposed between a pair of hinging means, the surface portion being elastically deformable, and a pair of identical substantially arc-form ribs formed on an internal surface of each longitudinal-directional end thereof, as is recited in claims 1 and 17 of the present invention.

Koizumi arguably teaches of a storage case 1 for housing a tape cassette in which an elongate hinge portion 3 for constituting one of the lateral walls of a lid member 4 is in linkage with a main body portion 2 and the lid member 4 (See Fig. 1). However, Koizumi fails to disclose, teach or suggest a junction member which comprises an externally projected substantially arc-form curved surface portion disposed between a pair of hinging means, the surface portion being elastically deformable, and a pair of identical substantially arc-form ribs formed on an internal surface of each longitudinal-directional end thereof, as is recited in claims 1 and 17 of the present invention.

Hashizume arguably teaches of a tape cassette housing in which a hinge member 34 for constituting one of the lateral walls of a second housing member 28 is in linkage with a first housing member 26 and the second housing member 28 (See Fig. 5). However, Hashizume fails to disclose, teach or suggest a junction member which comprises an externally projected substantially arc-form

curved surface portion disposed between a pair of hinging means, the surface portion being elastically deformable, and a pair of identical substantially arc-form ribs formed on an internal surface of each longitudinal-directional end thereof, as is recited in claims 1 and 17 of the present invention.

Morita '287 arguably teaches of a cassette accommodating case adapted to store a plurality of magnetic tape cassettes in which a cover member 6 and a casing member 3 are pivotally assembled (See Fig. 1). However, Morita '287 fails to disclose, teach or suggest a junction member which comprises an externally projected substantially arc-form curved surface portion disposed between a pair of hinging means, the surface portion being elastically deformable, and a pair of identical substantially arc-form ribs formed on an internal surface of each longitudinal-directional end thereof, as is recited in claims 1 and 17 of the present invention.

Accordingly, for at least the foregoing reasons, Morita '227, Morita '999, Konno, Koizumi, Hashizume and Morita '287, either individually or in combination, fail to disclose, teach or suggest a junction member which comprises an externally projected substantially arc-form curved surface portion disposed between a pair of hinging means, the surface portion being elastically deformable, and a pair of identical substantially arc-form ribs formed on an internal surface of each longitudinal-directional end thereof, as is recited in claims 1 and 17 of the present invention.

In addition, the examiner has failed to point to or provide any reason why one of ordinary skill in the art would have been led to modify or combine the varied spectrum of prior art references relied upon to arrive at the claimed invention, as has been required by the Federal Circuit and the Board of Patent Appeals and Interferences. See, e.g., Ex parte Clapp, 227 USPQ 972, 973 (Bd.Pat.App. & Interf. 1985). To this end, the requisite motivation must stem from some teaching, suggestion or inference in the prior art as a whole or from the knowledge generally available to one of ordinary skill in the art, and not from the Applicant's disclosure. See In re Rouffet, 149 F.3d 1350, 1354 (Fed. Cir. 1998). With regards to the present rejection, no such findings have been made.

Therefore, since Morita '227, Morita '999, Konno, Koizumi, Hashizume and Morita '287, either alone or in combination, fail to disclose, teach or suggest each and every limitation recited in

claims 1 and 17 of the present invention, and further since the requisite motivation to modify or combine the prior art references has not been demonstrated, a prima facie rejection of the claims has not been established. "To establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art." In re Royka, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). Accord. M.P.E.P. § 2143.03. Withdrawal of this rejection and allowance of the claims are therefore respectfully requested.

In addition, independent claims 1 and 18 of the present invention recite a tape cassette storing case for storing a tape cassette wherein, *inter alia*, a bottom plate of a cubic body and a ceiling plate of a lid body are respectively thinly extended outwardly from the lateral walls of the cubic body and also from the lateral walls of the lid body, and tip end portions of the externally extended bottom and ceiling plates respectively constitute elastically deformable external peripheral edges by way of being inwardly bent into a substantially elliptic circular arc curved surface or substantially circular-arc form curved surface.

Morita '227 arguably teaches extending outwardly the walls of the lid body B and the cubic body C. However, as is clearly demonstrated in Figs. 3, 6 and 10, Morita '227 fails to disclose, teach or suggest tip end portions of the externally extended bottom and ceiling plates respectively constituting elastically deformable external peripheral edges by way of being inwardly bent into a substantially elliptic circular arc curved surface or substantially circular-arc form curved surface, as is recited in claims 1 and 18 of the present invention.

Morita '999 arguably teaches of forming a flange 11a by protruding a part of the flat plate 11 outward on the outside of the lateral wall part 13, which lateral wall part constitutes the storage part 3. However, as is clearly demonstrated in Figs. 3 and 4, Morita '999 fails to disclose, teach tip end portions of the externally extended lateral wall part respectively constituting elastically deformable external peripheral edges by way of being inwardly bent into a substantially elliptic circular arc curved surface or substantially circular-arc form curved surface, as is recited in claims 1 and 18 of the present invention.

Konno fails to disclose, teach or suggest outwardly extending a bottom plate of a cubic body and a ceiling plate of a lid body respectively, let alone tip end portions of externally extended bottom and ceiling plates respectively constituting elastically deformable external peripheral edges by way of being inwardly bent into a substantially elliptic circular arc curved surface or substantially circular-arc form curved surface, as is recited in claims 1 and 18 of the present invention (See Fig. 1).

Koizumi fails to disclose, teach or suggest outwardly extending a bottom plate of a cubic body and a ceiling plate of a lid body respectively, let alone tip end portions of externally extended bottom and ceiling plates respectively constituting elastically deformable external peripheral edges by way of being inwardly bent into a substantially elliptic circular arc curved surface or substantially circular-arc form curved surface, as is recited in claims 1 and 18 of the present invention (See Fig. 1).

Hashizume arguably teaches of outwardly extending the base plates 30 and 32 of a tape cassette housing. However, as is clearly demonstrated in Fig. 12, Hashizume fails to disclose, teach or suggest tip end portions of the externally extended base plates respectively constituting elastically deformable external peripheral edges by way of being inwardly bent into a substantially elliptic circular arc curved surface or substantially circular-arc form curved surface, as is recited in claims 1 and 18 of the present invention.

Morita '287 fails to disclose, teach or suggest outwardly extending a bottom plate of a cubic body and a ceiling plate of a lid body respectively, let alone tip end portions of externally extended bottom and ceiling plates respectively constituting elastically deformable external peripheral edges by way of being inwardly bent into a substantially elliptic circular arc curved surface or substantially circular-arc form curved surface, as is recited in claims 1 and 18 of the present invention (See Fig. 1).

Therefore, for at least the foregoing reasons, Morita '227, Morita '999, Konno, Koizumi, Hashizume and Morita '287, either individually or in combination, fail to disclose, teach or suggest

each and every limitation of independent claims 1 and 18. Accordingly, a *prima facie* rejection of the claims has not been established, and withdrawal thereof is respectfully requested.

Moreover, aside from the novel features and distinctions recited therein, claims 19, 20, 21 and 22, being directly or indirectly dependent upon allowable base claim 18, also represent allowable subject matter, and withdrawal of their rejection is courteously solicited.

Independent claim 3 of the present invention recites a tape cassette storing case for storing a tape cassette wherein, *inter alia*, the tape cassette storing case comprises a single or a plurality of elastically deformable projected surface portions that are integrally molded with resinous material such that the single or plurality of projected surface portions contain space within inwardly projected projections at least on a part of a bottom plate of the cubic body or on a part of a ceiling plate of the lid body, the single or plural projected surface portions jointly supporting the tape cassette by way of coming into contact with the shell of the tape cassette or at least one of the reels.

Morita '227 fails to disclose, teach or suggest a single or a plurality of elastically deformable projected surface portions, let alone a single or plurality of projected surface portions being formed so as to contain space within inwardly projected projections at least on a part of a bottom plate of the cubic body or on a part of a ceiling plate of the lid body, as is recited in independent claim 3 of the present invention (See Fig. 3).

Morita '999 arguably teaches of a pair of cylindrical members 55a and 55b idly inserted into corresponding hub holes B of reels of a tape cassette (See Fig. 1). However, Morita '999 fails to disclose, teach or suggest a single or a plurality of elastically deformable projected surface portions that are integrally molded with resinous material such that the single or plural projected surface portions jointly support the tape cassette by way of coming into contact with the shell of the tape cassette, as is recited in claim 3 of the present invention.

Konno arguably teaches of forming reel retention bosses 42A and 42B in association with the reel holding protrusion 41A and 41B of a tape cassette, respectively (See Fig. 1). However, Konno fails to disclose, teach or suggest a single or a plurality of elastically deformable projected surface portions that are integrally molded with resinous material such that the single or plural

projected surface portions jointly support the tape cassette by way of coming into contact with the shell of the tape cassette, as is recited in claim 3 of the present invention.

Koizumi arguably teaches of forming projected hub members 5 and 6 (See Fig. 1). However, Koizumi fails to disclose, teach or suggest forming a single or a plurality of elastically deformable projected surface portions that are integrally molded with resinous material such that the single or plural projected surface portions jointly support the tape cassette by way of coming into contact with the shell of the tape cassette, as is recited in claim 3 of the present invention

Hashizume arguably teaches of forming projections 37 and 36 so as to hold reels of a tape cassette in place (See Figs. 5 and 6). However, Hashizume fails to disclose, teach or suggest forming a single or a plurality of elastically deformable projected surface portions that are integrally molded with resinous material such that the single or plural projected surface portions jointly support the tape cassette by way of coming into contact with the shell of the tape cassette, as is recited in claim 3 of the present invention.

Morita '287 arguably teaches of forming a pair rotation stopping projections 42 (See Fig. 1). However, Morita '287 fails to disclose, teach or suggest forming a single or a plurality of elastically deformable projected surface portions that are integrally molded with resinous material such that the single or plural projected surface portions jointly support the tape cassette by way of coming into contact with the shell of the tape cassette, as is recited in claim 3 of the present invention.

Therefore, for at least the foregoing reasons, Morita '227, Morita '999, Konno, Koizumi, Hashizume and Morita '287, either individually or in combination, fail to disclose, teach or suggest each and every limitation of independent claim 3. Accordingly, a *prima facie* rejection of the claims has not been established, and withdrawal thereof is respectfully requested.

Moreover, aside from the novel features and distinctions recited therein, claims 4 to 9 and 13 to 16, being directly or indirectly dependent upon allowable base claim 3, also represent allowable subject matter, and withdrawal of their rejection is courteously solicited.



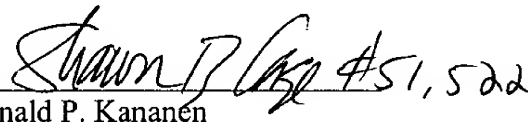
Conclusion:

For at least the foregoing reasons, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the examiner is respectfully requested to pass this application to issue. If the examiner has any comments or suggestions that could place this application in even better form, the examiner is invited to telephone the undersigned attorney at the below-listed number.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 18-0013, under Order No. SON-2241 from which the undersigned is authorized to draw.

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Respectfully submitted,

By  #51,522  
for Ronald P. Kananen  
Registration No.: 24,104  
RADER, FISHMAN & GRAUER PLLC  
The Lion Building  
1233 20th Street, N.W., Suite 501  
Washington, DC 20036  
(202) 955-3750  
Attorney for Applicant

Attachments

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